

## Brush, Jason

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**From:** Brush, Jason  
**Sent:** Monday, September 16, 2013 5:38 PM  
**To:** DIAMOND, JANE  
**Subject:** Fw: USFS Press Release - Rosemont FEIS in November 2013  
**Attachments:** 2013-Rosemont-Copper-Process-092013.docx

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**From:** Jessop, Carter  
**Sent:** Monday, September 16, 2013 4:55:59 PM  
**To:** Goforth, Kathleen; McKaughan, Colleen; Brush, Jason  
**Cc:** Goldmann, Elizabeth; Leidy, Robert; Plenys, Thomas; Hillenbrand, John; Bose, Laura  
**Subject:** USFS Press Release - Rosemont FEIS in November 2013

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- Carter

### **Rosemont Copper Project environmental analysis nearing completion**

#### ***Pre-decisional objection process provides for public input prior to decision-making***

Tucson, AZ (September 16, 2013) – The Coronado National Forest has announced the anticipated completion of the Rosemont Copper Project Final Environmental Impact Statement with a projected release date in November, 2013.

Forest personnel are currently engaged in ongoing resolution of issues with cooperating agencies, development of appropriate mitigation measures to offset impacts, and tribal consultation requirements. Many of the outstanding issues are being resolved and progress towards completion is moving forward. However, a draft Record of Decision and Final Environmental Impact Statement cannot be released until unresolved legal requirements are met.

When the draft Environmental Impact Statement (EIS) was released in October 2011, the associated documentation indicated that the upcoming decision would be subject to an administrative appeal process according to the Code of Federal Regulations (36 CFR 215); this process allows people who submitted comments during the comment period on the draft EIS an opportunity to appeal the final decision after it is signed. However, on March 27, 2013, new regulations were released that will apply to all Forest Service decisions on Environmental Assessments (EA) and EISs, including the Rosemont Copper project.

The new regulations, found at 36 CFR 218, provide an opportunity for eligible individuals, non-governmental organizations, businesses, partnerships, state and local governments, and Indian Tribes to file an objection to a proposed project or activity before the final decision is signed. This allows these individuals and entities to have unresolved concerns regarding the final decision reviewed by a higher-level Forest Service official, called the Reviewing Officer, before the decision is made.

“We are pleased with this new rule,” said Coronado National Forest Supervisor Jim Upchurch. “We believe that moving to the new process will give the public the opportunity to more fully engage in the eventual outcome of this decision during the objection period.”

The new 218 regulations allow individuals and entities who submitted timely, specific written comments about the proposed project during any designated opportunity for public comment, to file an objection to the proposed project (36 CFR 218.5). Those who commented on the Rosemont Copper Project during the scoping period in 2008, or during the comment period for the draft EIS in 2011-2012, have standing to object to the proposed project.

Upon distribution of the final EIS and draft Record of Decision, a legal notice of the opportunity to object to the proposed project will be published in the Arizona Daily Star. Those who are eligible will have 45 days in which to review



the documents and file an objection on the proposed project. (Specific directions on how to file an objection are provided in 36 CFR 218.8 and will be included in the legal notice). Following the objection filing period, the Forest Service will have a 45-day review period, with the option for one 30-day extension. The total objection period has a statutory limit of 120 days following the legal notice commencing the objection process. At the end of this period, the Reviewing Officer will issue a written response to the objections which may include instructions to the responsible official to incorporate additional changes in the Draft Record of Decision or to move forward with the project.

- Objections will be subject to review by a “Reviewing Officer.” Because the responsible official for the Rosemont Copper Project is the Coronado National Forest Supervisor, the Reviewing Officer will be the Southwestern Regional Forester, Cal Joyner.
- The objection process may include an opportunity for the objector to meet with the Reviewing Officer and the responsible official, with the objective of having a dialogue about the objection issues and exploring opportunities for resolving the concerns expressed in the objection.
- The responsible official cannot sign the final decision until the Reviewing Officer has responded in writing to all pending objections, and the decision must be consistent with any instructions issued by the Reviewing Officer.
- There will be NO opportunity for additional administrative review or appeal of the final decision.

Further information on the 218 pre-decisional objection process can be found at

<http://www.gpo.gov/fdsys/pkg/FR-2013-03-27/html/2013-06857.htm>

Carter W. Jessop  
U.S. EPA, Region 9  
Environmental Review Office (CED-2)  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972-3815  
jessop.carter@epa.gov